

Council accepts comments on agenda items during the meeting. Please fill out a form identifying the item(s) you wish to speak on prior to the meeting starting, if possible, or prior to the agenda item beginning and turn it into the City Recorder. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
JANUARY 4, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. ELECTION OF COUNCIL PRESIDENT (Pg. 3)

V. CITY MANAGER'S REPORT

VI. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the Mayor's discretion; an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. CONSENT CALENDAR

Consider a motion approving [City Council Minutes](#) for December 7, 2009. (Pgs. 5-10)

VIII. PUBLIC HEARING

Consider a motion to continue the Public Hearing on [Order No. 2009-0023](#) to February 16, 2010. (Pg. 11)
(Quasi-Judicial Hearing)

IX. NEW BUSINESS

1. Information on a potential [grant opportunity for housing rehabilitation](#) for low-income persons. (Pgs. 13-14)
2. Consider a motion approving [the municipal judge job description](#).
(Material to be sent out at a later date)

X. COUNCIL BUSINESS

XI. ADJOURNMENT

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

INDEX OF ORDERS, ORDINANCES AND RESOLUTIONS:

ORDERS: Order No. 2009-0023 denying an appeal for an existing non-conforming billboard sign, owned by CBS Outdoor, Inc., to remain at the Newberg Auto Electric site at 616 W. First Street.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283.

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 4, 2010

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Election of Council President

Contact Person (Preparer) for this
Motion: **Norma Alley, City Recorder**

Dept.: **Administration**

File No.:
(if applicable)

RECOMMENDATION:

Elect a member of the City Council to serve as Council President.

EXECUTIVE SUMMARY:

The City Charter states that, at its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform his or her duties.

The position of Council president is currently held by **Councilor Larson**.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT:

The position of Council president needs to be filled to ensure that the duties and authority of the office of mayor can be legally exercised in the event that the mayor is absent or unable to fulfill his or her duties.

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 4, 2010

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the December 7, 2009, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder

Dept.: Administration

File No.:

(if applicable)

RECOMMENDATION:

Approve the December 7, 2009, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On December 7, 2009, the City of Newberg City Council held a public meeting. At that meeting, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
DECEMBER 7, 2009
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A general presentation was given by Representative Kim Thatcher. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:05 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary
	Janelle Nordyke, Finance Director	

Others

Present: Steven Crosby, Doug Cooley, Thomas Barnes, Mike Ragsdale, and Rob Felton

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of the upcoming City/County Dinner this Thursday, December 10, 2009, at The Allison and spoke of a letter to the editor printed in The Newberg Graphic commending Officer Miller for his assistance with an accident victim.

Mr. Terrence Mahr, City Attorney, mentioned representatives for the Verizon franchise transfer to Frontier Communications will speak briefly during public comments with the hearing to be held on December 21, 2009. He offered some background on the topic (see official meeting packet for full report).

V. PUBLIC COMMENTS

Mr. Steve Crosby, Frontier Communications Corporation, gave some brief history of the company, spoke of their reputation for being deeply involved in communities, and their commitment to hire locally and work closely with the City if the transfer is approved.

Councilor Bart Rierson asked about their use of fiber optics versus copper wire.

Mr. Crosby stated they offer Digital Subscriber Line (DSL) coverage with some fiber optics to homes. He said the technology changes quickly so they try to just get the high speed internet to the homes, then work on making it faster. He said they do not usually get anyone complaining about the speed.

Councilor Marc Shelton asked what current Verizon customers can expect and if there are any opt-out options.

Mr. Crosby stated Frontier will be taking over all of Verizon's customer contracts.

Mr. Doug Cooley, Comcast, stated he has read the record and does not have any comments at this time.

Mr. Thomas Barnes spoke of being a big proponent of the public safety fee when serving on the Budget Committee and his concerns the City is missing out on some funds with the fee collection from larger housing units on a single meter. He felt the City was cutting itself short and asked the process be reevaluated.

Councilor Rierson thanked him for bringing this to their attention; however, he recalled the fee was collected in this manner, with larger housing complexes and manufactured home parks paying a lower fee because of being lower income. He said it is not perfect, but it seemed like a fair trade off and it was the only mechanism that would not be prohibited by higher administration fees.

Mr. Danicic added those types of housing units are being charged less, but it is a common element for rate methodology for these types of fees. High residency areas are charged less per unit than single unit homes in storm-water charges, too. Council can decide that every occupied unit pays the same fee, but the current method is the standard approach to assessing utility fees.

Mayor Andrews requested a report be prepared showing what the staff burden would be to change this current process and the additional amount collected from each individual occupied unit.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2009-2876** authorizing the city manager to enter into an agreement with Mortenson Construction for preconstruction services for the wastewater treatment plant repair, renovation and expansion.
2. Consider a motion appointing Lon Wall and Matson Haug to the Newberg Planning Commission for terms expiring December 31, 2012.
3. Consider a motion appointing Rob Felton and Corey Zielsdorf to the Newberg Downtown Revitalization Committee for terms expiring December 31, 2012.
4. Consider a motion appointing Lesley Woodruff, Ronald Johns and James Oravetz to the Newberg Traffic Safety Commission for terms expiring December 31, 2012, and appointing Dianna Cotter to the Newberg Traffic Safety Commission for a term expiring December 31, 2010.
5. Consider a motion approving City Council Minutes for November 2, 2009.

MOTION: Rierson/Larson to approve the Consent Calendar as amended including **Resolution No. 2009-2876**, a motion appointing Lon Wall and Matson Haug to the Newberg Planning Commission, a motion appointing Rob Felton and Corey Zielsdorf to the Newberg Downtown Revitalization Committee, a motion appointing Lesley Woodruff, Ronald Johns, James Oravetz, and Dianna Cotter to the Newberg Traffic Safety Commission, and the City Council Minutes for November 2, 2009. (7 Yes/0 No) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion approving **Resolution No. 2009-2877** adopting finding of facts for the construction of the Newberg Animal Shelter.

TIME – 7:27 PM

Mayor Andrews called for any conflicts of interest or abstentions. None appeared.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Councilor Rierson spoke of a primary selection criteria being the contractors willingness to work with volunteer labor and factoring it into the scoring process. He also asked staff to elaborate on a letter from a local contractor who stated he could not hope to compete for this project. Staff stated smaller contractors may see this as too large of a project, but if they address their willingness to work in conjunction with others in their requests for proposal (RFP) then they can be competitive with larger firms. The writer of the letter was contacted. Some of his concerns were mitigated, although he prefers the design, bid, build or design/ build process over the Construction Manager/General Contractor (CM/GC). His letter would not preclude his ability to be provided an opportunity to submit an RFP.

Mayor Andrews opened and closed the public testimony as no one appeared to testify. The written letter was included within the record. Staff recommended approval. The public hearing was closed.

Councilor Rierson added this would be a good opportunity to take advantage of volunteer efforts and felt the CM/GC was a great way to make this work.

MOTION: Larson/Rierson to approve **Resolution No. 2009-2877** adopting finding of facts for the construction of the Newberg Animal Shelter. (7 Yes/0 No) Motion carried.

2. Consider a motion to continue the Public Hearing on **Order No. 2009-0023** to January 4, 2010.

TIME – 7:45 PM

Mr. Barton Brierley, Planning and Building Director, stated staff has met twice with the property owners, their attorney, and the sign company to come to a resolution but they are not currently ready to come before the Council for the hearing and asked to approve the continuation until January 4, 2010.

MOTION: Larson/Shelton to continue the Public Hearing on **Order No. 2009-0023** to January 4, 2010. (7 Yes/0 No) Motion carried.

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2009-2878** establishing a hiring process for a municipal judge.

TIME – 7:46 PM

Mr. Mahr presented the staff report (see official meeting packet for full report).

MOTION: Shelton/Larson to approve **Resolution No. 2009-2878** establishing a hiring process for a municipal judge. (7 Yes/0 No) Motion carried.

2. Consider a motion approving **Resolution No. 2009-2879** supporting the Oregon Main Street “Exploring Downtown” Program.

TIME – 7:50 PM

Mr. Brierley presented staff report (see official meeting packet for full report).

Councilor Denise Bacon asked what the difference was between the Newberg Downtown Revitalization Committee (NDRC), the Downtown Association, and the Chamber of Commerce’s downtown ad hoc committee for this Main Street Program; she was concerned about having three different groups working towards different visions. Staff replied this was not officially sponsored by the NDRC, but some of its members are on all three; discussions have occurred as to whether the Main Street Program should be run by the NDRC or separate, or if all three groups should be combined; this will be part of the evaluation.

Mr. Mike Ragsdale spoke briefly of the national Main Street Program and its structure and guidelines. He said the Chamber of Commerce created its downtown ad hoc committee to explore this Program, but they do not have any intention of running the Program in the future. Members of this group are involved in NDRC as well and all groups have the same goals.

Mr. Rob Felton, NDRC Chair, said he was also present to offer support or answer questions.

Councilor Rierson asked what the first step included to explore this Program.

Mr. Ragsdale said the first step is to convene with merchants and property owners to see if it makes sense to even proceed. If there is enough interest, then creation of the committee would be next and exploring financing based on needed projects would occur in the second phase.

Councilor Shelton asked about focusing on historical preservation and downtown boundaries.

Mr. Ragsdale stated the organization running the Main Street Program started as a preservation committee, then expanded to a broader context. Historical preservation is not the primary focus, but it is part of the Program, as well as scoping out what parts to include.

Councilor Shelton asked if this group would have the ability to campaign for needed projects. Staff stated it would be able to lobby and campaign for valid initiatives whereas paid staff could not.

Mr. Felton added they would be using the already adopted Vision for Newberg, which is normally the first part of the process.

Councilor Rierson asked for an update on the Gateway sign and the fence for Hess Creek projects. Discussions followed and updates were given.

MOTION: Rierson/Bacon to approve **Resolution No. 2009-2879** supporting the Oregon Main Street “Exploring Downtown” Program. (7 Yes/0 No) Motion carried.

IX. COUNCIL BUSINESS

TIME – 8:15 PM

Mr. Mahr spoke of a new initiative that may be in the works and come before the Council in the form of an ordinance.

Mayor Andrews reminded everyone there would be a Town Hall meeting on Wednesday, January 13, 2010, on potential rate increases.

X. ADJOURNMENT

The meeting adjourned at 8:21 PM.

ADOPTED by the Newberg City Council this ____ day of January, 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this ____ day of January, 2010.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 4, 2010

Order XX Ordinance ___ Resolution ___ Motion ___ Information ___
No. 2010-0023 No. No.

SUBJECT: Request for continuance - appeal of the hearings officer's decision to deny a request for an existing non-conforming billboard sign to remain at Newberg Auto Electric located at 616 W. First Street

Contact Person (Preparer) for this Order: Barton Brierley, AICP

Dept.: Planning & Building

File No.: NCSIGN-09-005
(if applicable)

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION:

Continue the hearing to February 16, 2010.

EXECUTIVE SUMMARY: On September 8, 2009, the City Council held a hearing on a non-conforming billboard sign at 616 W. First Street. This hearing was continued to January 4, 2010.

Staff and the applicant are doing additional research into possibilities regarding the sign. The continuance would allow time to get the results of this research.

THIS PAGE INTENTIONALLY LEFT BLANK

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 4, 2010

Order ___	Ordinance ___	Resolution ___	Motion ___	Information <u>XX</u>
No.	No.	No.		

SUBJECT: Potential grant opportunity for housing rehabilitation for low-income persons

Contact Person (Preparer) for this Motion: David Beam

Dept.: Planning and Building

File No.: NA
(if applicable)

EXECUTIVE SUMMARY: The Housing Authority of Yamhill County (HAYC) has approached city staff regarding the availability of grant funds from the State of Oregon to assist with housing rehabilitation for low-income persons. In 2008, the City of Newberg worked with HAYC to secure and administer \$100,000 of these types of grant funds for homes in Newberg. That project has been completed. This year, HAYC has asked the community of Willamina if they would like to apply for these grant funds. However, Willamina still has a CDBG grant project open and must close-out that project within the next couple of weeks if they are to be eligible to apply for this year's funds.

HAYC currently has a substantial waiting list of Newberg residents that are requesting the use of housing rehabilitation funds. If Willamina does not become eligible to apply for the grant funds in time apply for additional assistance in this funding cycle, HAYC would like to work with the City of Newberg to apply for additional grant funds to assist low-income Newberg citizens with their housing rehabilitation needs. HAYC would like a response from the City Council as to whether or not it would want to pursue these additional grant funds if the opportunity became available. Grant applications would be due in February 2010.

Attached is a letter from HAYC regarding this request.

FISCAL IMPACT: City staff time will be needed to work with HAYC in the preparation of the grant application. If the application is successful, staff time will also be needed to work with HAYC in the implementation of the grant project.

STRATEGIC ASSESSMENT: Housing affordability has been identified by the City as an important issue. Rehabilitation of existing housing stock is a very effective mechanism to support affordable housing.



HOUSING AUTHORITY OF YAMHILL COUNTY

HOUSING REHABILITATION DEPARTMENT

December 22, 2009

City of Newberg Attn: David Beam
414 E. First Street
Newberg, Oregon 97132

Re: Support of 2010 Housing Rehabilitation Application

Dear David,

Please schedule our agency to come and speak to Mayor and Council on your January 4th, 2010 City Council meeting.

We polled residents in Newberg and Willamina in October, for need of repairs for their owner-occupied homes, we received a strong response from both municipalities. Willamina has a higher percentage of low-income residents than Newberg. It was determined that Willamina would take the lead and applicants from their jurisdiction would receive a preference, Newberg citizens would benefit if there were a lack of qualified applicants from Willamina.

We are preparing to submit a 2010 Housing Rehabilitation Grant Application on behalf of City of Willamina, naming City of Newberg in the targeted area of benefit. We found out last week that Willamina may not qualify to take the lead as a grant recipient. We should receive confirmation in the first half of January.

Given this new information, we need to simultaneously proceed as if Newberg may take the lead as recipient. Which is the reason we need to meet with the Mayor and Council; for their support to proceed with a potential application on Newberg's behalf, with preference given to City of Newberg applicants, and begin to schedule the grant app. requirements, i.e., first Public Hearing.

Time is of the essence since the Housing Rehabilitation Community Development Block Grant application is due the second week of February, 2010.

Thank you for your consideration,

Jonja A. Pierce, Director of Housing Programs
Desk: 503-883-4316
jpierce@hayc.org

NEWBERG CITY COUNCIL MEETING INFORMATION

DATE of Meeting: January 4, 2010

Prepared by: Norma Alley

Councilors	Roll Call	MOTION Topic: Councilor Marc Shelton for Council President	MOTION Topic: Consent Calendar – Minutes for 12/7/09	ORDER NO. 2010-0023 Topic: CBS Sign CONTINUE TO 2/16/10	MOTION Topic: Support a Housing Rehabilitation Grant Application	MOTION Topic: Postpone Municipal Judge Job Description POSTPONE TO 1/19/2010	MOTION Topic: Approve Municipal Judge Job Description with Changes	MOTION Topic: Use Municipal Judge Job Description as Criteria to Develop Evaluation Criteria for Review
ANDREWS, Bob, Mayor	X	YES	YES	YES	YES	NO	YES	YES
BACON, Denise	X	YES	YES	YES	YES	NO	YES	YES
LARSON, Bob	X	YES	YES	YES	YES	YES	ABSTAIN	YES
McKINNEY, Stephen	X	YES	YES	YES	YES	YES	NO	YES
RIERSON, Bart	X	YES	YES	YES	YES	NO	YES	YES
SHELTON, Marc	X	YES	YES	YES	YES	NO	YES	YES
WITHERSPOON, Wade	X	YES	YES	YES	YES	NO	YES	YES
ROLL CALL VOTES		YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 7 NO: 0 Absent: 0 Abstain: 0	YES: 2 NO: 5 Absent: 0 Abstain: 0	YES: 5 NO: 1 Absent: 0 Abstain: 1	YES: 7 NO: 0 Absent: 0 Abstain: 0
Department:		Administration	Administration	Planning	Planning	Legal	Legal	Legal
MOTION (1st/2nd):		Larson/ Rierson	Rierson/ Larson	Shelton/ Larson	Shelton/ Rierson	Larson/ McKinney	Shelton/ Witherspoon	Rierson/ Shelton